

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
DEC 22 2009

RICHARD W. PHILLIPS, §  
Plaintiff §  
§  
V. §  
§  
COMMISSIONER OF SOCIAL §  
SECURITY ADMINISTRATION §  
Defendant §

CASE NO. 4:08-CV-356

BY  
DEPUTY \_\_\_\_\_

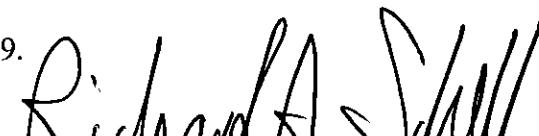
**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 17, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the decision of the Administrative Law Judge be REVERSED and REMANDED.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the court. It is, therefore,

**ORDERED** that the decision of the Administrative Law Judge is **REVERSED AND REMANDED**.

SIGNED this 21<sup>st</sup> day of December, 2009.



RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE